

No. 23-10066

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

United States of America,
Plaintiff–Appellee,

v.

Alex Nain Saab Moran,
Defendant–Appellant.

On Appeal from the United States District Court
For the Southern District of Florida, No. 1:19-cr-20450-RNS-1
The Honorable Robert N. Scola, Jr.

**Defendant-Appellant’s Unopposed Motion for
Extension of Time To File Reply Brief**

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No. 23-10066, *United States of America v. Alex Saab Moran*

Certificate of Interested Persons

Pursuant to Eleventh Circuit Rule 26.1-1 and Federal Rule of Appellate Procedure 26.1, Appellant certifies that the following persons and entities may have an interest in the outcome of this case:

Baker Hostetler LLP, Counsel for Defendant

Barr, Jonathan R., Counsel for Defendant

Bell, Henry Philip, Counsel Defendant

Bell Rosquete Reyes Esteban, PLLC, Counsel for Defendant

Bolivarian Republic of Venezuela, Sending State, International Interested Party

Casey, Lee A., Counsel for Defendant

Comisión de Administración de Divisas (Commission for the Administration of Currency Exchange), International Interested Party

Foley, Elizabeth P., Counsel for Defendant

George, Robert P., Counsel for Defendant

Gonzalez, Juan Antonio, Acting U.S. Attorney SDFL

Guardia Nacional Bolivariana de Venezuela (Bolivarian National Guard of Venezuela), International Interested Party

Janacek, Benjamin, Counsel for Defendant

Keown, Lindy K., Counsel for Defendant

Knudsen, Renee M., Counsel for Defendant

Kramer, Alexander J., Department of Justice, Criminal Division

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Lorence, Jenna M., Former Counsel for Defendant

Lapointe, Markenzy, United States Attorney, SDFL

Lunkenheimer, Kurt K., United States Attorney

McQuaid, Nicolas L., Department of Justice

Miller, Lisa H., Department of Justice

Miranda, Annika M., United States Attorney's Office, SDFL

Nadler, Michael Brian, Counsel for Plaintiff

New, Jonathan, Counsel for Defendant

Polite, Kenneth A., Department of Justice

Raile, Richard B., Counsel for Defendant

Rivkin Jr., David B., Counsel for Defendant

Romano, John A., Department of Justice, Criminal Division

Saab Moran, Alex Nain, Defendant

Sanders, Jeremy R., Department of Justice, Criminal Division

Schuster, Joseph Michael, Counsel for Defendant

Schuster, Neil M., Counsel for Defendant

Scola, Jr., Robert N., United States District Court Judge

Servicio Nacional Intergrado de Administración Aduanera y Tributaria
(National Integrated Service for the Administration of Customs Duties and
Taxes), International Interested Party

Smachetti, Emily M., United States Attorney's Office

Sombuntham, Nalina, United States Attorney's Office, SDFL

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Stumphauzer Kolaya Nadler & Sloman, PLLC, Counsel for Plaintiff

Vargas, Alvero Pulido, Co-Defendant

Wangsgard, Kendall, Former Counsel for Defendant

Zink, Robert, Department of Justice, Criminal Division

The United States Government's position is that there are no statutory victims of the offenses alleged in the indictment.

Corporate Disclosure Statement

There is no nongovernmental corporate party to this proceeding, and no association of persons, firms, partnerships, or corporations that have an interest in this case or the outcome of the appeal.

Dated: December 5, 2023

Respectfully submitted,

/s/ David B. Rivkin, Jr.

DAVID B. RIVKIN, JR.

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Attorneys for Defendant–Appellant

**Appellant's Unopposed Motion for
Extension of Time To File Reply Brief**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27 and Eleventh Circuit Rules 27 and 31-2, Defendant-Appellant Alex Nain Saab Moran (“Saab”) respectfully requests a 30-day extension of time to file his reply brief, from the current deadline of December 26, 2023, to and including January 25, 2024. This is Mr. Saab’s second motion for an extension of time to file his reply brief, and it is unopposed. In support, Mr. Saab states as follows:

1. This is a complex case. Mr. Saab is a diplomat of Venezuela who was on a diplomatic, humanitarian mission to Iran when the Government sought and obtained his arrest. The Government has charged Mr. Saab with one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h), and Mr. Saab is presently in federal custody. But the arrest and prosecution of Mr. Saab violates the United States’ obligations under the Vienna Convention on Diplomatic Relations, customary international law, and the Diplomatic Relations Act.

2. Mr. Saab filed an oversized opening brief on March 15, 2023, after receiving one 14-day extension and permission to exceed the default word limit. Following the Court’s order noting probable jurisdiction, the Government’s brief was due on July 13, 2023. Since then, the Government requested and received three extensions of time to file its appellee brief. The deadline for the Government’s brief was extended 83 days beyond its original deadline. The Government filed its brief on October 4, 2023.

3. Mr. Saab's reply brief is currently due on December 26, 2023. With a 30-day extension, the deadline for Mr. Saab's reply brief would be January 25, 2024.

4. Counsel for Mr. Saab are continuing to work diligently on the reply brief, but additional time is essential to prepare a brief of the optimal quality to inform the Court's consideration of the important issues in this case. A 30-day extension is necessary and appropriate in light of counsel's substantial workload in other matters. Among other things, counsel for Mr. Saab have been retained to handle multiple election-law matters involving expedited proceedings in December, including *North Carolina Democratic Party et al. v. North Carolina State Board of Elections et al.*, Case No. 23-cv-862 (M.D. N.C.); *Vote Latino et al. v. Hirsch et al.*, Case No. 23-cv-861 (M.D. N.C.); *Pierce et al. v. North Carolina State Board of Elections et al.*, Case No. 23-cv-193 (E.D. N.C.); and *Williams v. Hall*, 1:23-cv-1057 (M.D.N.C.) (three-judge district court), and they also have significant December case events in *Citizens Project et al. v. Colorado Springs et al.*, Case No. 22-cv-1365 (D. Colo.), and *Hyatt v. Vidal*, Case No. 1:05-cv-2310-RCL (D.D.C.). Each of these trial matters entails significant briefing and case development throughout December 2023.

5. Counsel for Mr. Saab, Mr. David B. Rivkin, Jr., has conferred with counsel for the Government, Mr. Jeremy Sanders, and has been informed that the Government does not oppose this motion.

6. This is Mr. Saab's second request for an extension on the deadline for his reply brief. *See* ECF No. 44 (unopposed motion); ECF No. 46 (order granting motion).

For these reasons the Court should grant the unopposed motion for an extension of time and extend the deadline for Mr. Saab's reply brief from December 26, 2023, to and including January 25, 2024.

Dated: December 5, 2023

Respectfully submitted,

/s/ David B. Rivkin, Jr.

DAVID B. RIVKIN, JR.

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Attorneys for Defendant-Appellant

Certificate of Compliance

I hereby certify that the foregoing complies with the length limitations of Federal Rule of Appellate Procedure (“Rule”) 27(d)(2)(A) because it is 548 words, excluding the parts that are exempted under Rule 32(f). It complies with the typeface and type-style requirements of Rule 32(a)(5) and Rule 32(a)(6) because it is printed in 14-point Calisto MT font, a proportionally spaced typeface with serifs.

Dated: December 5, 2023

/s/ David B. Rivkin, Jr.

DAVID B. RIVKIN, JR.

Certificate of Service

I hereby certify that on December 5, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

Dated: December 5, 2023

/s/ David B. Rivkin, Jr.

DAVID B. RIVKIN, JR.